

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

HINES-IMPERIAL COMPONENTS, LLC

Employer

and

UNITED BROTHERHOOD OF CARPENTERS AND JOINERS
OF AMERICA, AFL-CIO, AS A JOINT PETITIONER WITH
TEAMSTERS LOCAL UNION NO. 330, AFFILIATED WITH THE
INTERNATIONAL BROTHERHOOD OF TEAMSTERS 1/

Joint-Petitioners

DECISION AND DIRECTION OF ELECTION

Case 33-RC-4520

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, as amended, a hearing was held before a hearing officer of the National Labor Relations Board; hereinafter referred to as the Board.

Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated its authority in this proceeding to the undersigned.

Upon the entire record in this proceeding, the undersigned finds: 2/

1. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed. 3/

2. The Employer is engaged in commerce within the meaning of the Act and it will effectuate the purposes of the Act to assert jurisdiction herein. 4/

3. The labor organization(s) involved claim(s) to represent certain employees of the Employer. 5/

4. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act.

5. The following employees of the Employer constitute a unit appropriate for the purpose of collective bargaining within the meaning of Section 9(b) of the Act: 6/

All full-time and regular part-time production and maintenance employees, including fabricators, millworkers, production fabrication employees, installers, material handlers, movers, lift operators, maintenance workers, working foremen, crew leaders and plant clerical employed by the Employer at its facility located at 701 Wiscold Drive, Rochelle, Illinois; but excluding all office clerical employees, professional employees, truck drivers, temporary workers contracted from an employment agency, guards and supervisors as defined in the Act.

DIRECTION OF ELECTION

An election by secret ballot shall be conducted by the undersigned among the employees in the unit(s) found appropriate at the time and place set forth in the notice of election to be issued subsequently, subject to the Board's Rules and Regulations. Eligible to vote are those in the unit(s) 7/ who were employed during the payroll period ending immediately preceding the date of this Decision, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off. Also eligible are employees engaged in an economic strike which commenced less than 12 months before the election date and who retained their status as such during the eligibility period and their replacements. Those in the military services of the United States may vote if they appear in person at the polls. Ineligible to vote are employees who have quit or been discharged for cause since the designated payroll period, employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and employees engaged in an economic strike which commenced more than 12 months before the election date and who have been permanently replaced. Those eligible shall vote whether or not they desire to be represented for collective bargaining purposes by UNITED BROTHERHOOD OF CARPENTERS AND JOINERS OF AMERICA, AFL-CIO, AS A JOINT PETITIONER WITH TEAMSTERS LOCAL UNION NO. 330, AFFILIATED WITH THE INTERNATIONAL BROTHERHOOD OF TEAMSTERS.

LIST OF VOTERS

In order to insure that all eligible voters may have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties to the election should have access to a list of voters and their addresses which may be used to communicate with them. **Excelsior Underwear, Inc.**, 156 NLRB 1236 (1966); **N.L.R.B. v. Wyman-Gordon Company**, 394 U.S. 759 (1969).8/ Accordingly, it is hereby directed that within 7 days of the date of this Decision two copies of an election eligibility list, containing the names and addresses of all the eligible voters, shall be filed by the Employer with the undersigned who shall make the list available to all parties to the election. In order to be timely filed, such list must be received in the *33rd Region, Hamilton Square, 300 Hamilton Boulevard, Suite 200, Peoria, Illinois, 61602*, on or before August 8, 2000. No extension of time to file this list shall be granted except in extraordinary circumstances, nor shall the filing of a request for review operate to stay the requirement here imposed.

RIGHT TO REQUEST REVIEW

Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 14th Street, N.W., Washington, D.C. 20570-0001. This request must be received by the Board in Washington by August 15, 2000.

Dated August 1, 2000
at: Peoria, Illinois

/s/ Glenn A. Zipp
Glenn A. Zipp
Regional Director, Region 33

1/ I have administratively noted and added the Petitioner's proper affiliation.

2/ I have carefully considered the record evidence, the parties' statements on the record, and their briefs. The due date for briefs was July 27, 2000. The Petitioner's brief was not received at the Regional office until July 28. However, the date of shipment was July 26, 2000 and was sent UPS on next Day Air and as such could reasonably be expected to be delivered in a timely fashion. Accordingly, I find the brief timely and have considered it as well as the Employer's brief.

3/ At hearing, the Employer moved for the dismissal of the instant petition. The Hearing Officer properly referred that motion to me for consideration. The motion and issues related to it will be considered below. The Hearing Officer also referred to me a ruling regarding an affidavit the Employer wished to submit into evidence post-hearing. The Employer has attached said affidavit to its brief. The affiant was not at the hearing herein and the affidavit was not prepared or signed until after the hearing closed.

Section 102.66 of the Board's Rules and Regulations sets out the rights of parties at hearing and the manners of introducing evidence. It contemplates witnesses examined under oath subject to cross-examination. While the rules of evidence of courts and equity are not controlling, the admission into evidence of an affidavit in lieu of testimony even prior to the close of hearing would require extraordinary circumstances. Such circumstances are not present here. Accordingly, I deny the motion to admit such evidence and will not read or consider said affidavit.

4/ The Employer is an Illinois corporation engaged in the business of manufacturing wood trusses for the housing industry at its Rochelle, Illinois facility. During the past calendar year, a representative period of time, the Employer purchased and received at its Rochelle, Illinois facility, goods and materials valued in excess of \$50,000 directly from suppliers located outside the State of Illinois. There are approximately 45 employees in the unit found appropriate herein.

5/ The parties stipulated that the Joint Petitioners are labor organizations within the meaning of Section 2(5) of the Act. However, at hearing and in its brief, the Employer sought the dismissal of the petition herein on the basis that the Joint-Petitioners did not intend to represent the entire voting unit but rather that Teamster Local Union No. 30 (hereinafter referred to as Teamsters) intended to

fragment the unit and only represent forklift drivers. The Employer further maintains that the showing of interest by the Joint-Petitioners is insufficient to support the holding of an election because the authorization cards submitted designate only one Petitioner. As indicated above, the Hearing Officer referred the motion to dismiss relative to the above issues to me.

Contrary to the Employer, I find no competent evidence that would indicate that the Joint-Petitioners do not intend to bargain jointly in respect to the unit sought in the instant Petition. Cf. Automotive Heating & Services Co., 194 NLRB 1065 (1972). Similarly, there is no evidence that the Joint-Petitioners herein have expressed any intent inconsistent with the concept of joint representation.

In respect to the Employer's arguments relating to the Joint-Petitioners' showing of interest, it should be clearly stated that matters regarding showing of interest are administrative matters and are not subject to litigation at representation hearings. O.D. Jennings and Company, 68 NLRB 516 (1946). To the extent that the Employer is raising an issue as to the showing of interest of the Joint-Petitioners, I note that the Board requires only a sufficient showing designating one of the Joint-Petitioners. See St. Louis Independent Packing Company 169 NLRB 1106, 1107 (1968); Mid-South Packers, Inc., 120 NLRB 495, FN. 1 (1958). Accordingly, I find that the Joint-Petitioners are seeking to represent the bargaining unit found appropriate herein jointly and are permitted to act jointly as the bargaining representative of that single group of employees. Utility Services, Inc., 158 NLRB 592 (1966); Vanadium Corp. of America, 117 NLRB 1390 (1957). I am also satisfied that the Joint-Petitioners' showing of interest is sufficient and adequate.

6/ The Parties stipulated to the description of the unit herein and I find it to be appropriate. The sole issue regarding the composition of the unit involves the placement of a clerical employee named Joan Huinker employed at the Employer's Rochelle, Illinois facility. The Employer maintains that Huinker is a plant clerical and should be in any unit found appropriate herein. Contrary to the Employer, the Joint-Petitioners assert that Huinker is an office clerical employee, and as such, lacks a community of interest with the production and maintenance unit found appropriate herein. Alternatively, the Joint-Petitioners maintain that the record lacks sufficiency to make a determination regarding Huinker and that she should be voted under challenge.

Joan Huinker

Background

The Employer manufactures building roof and floor trusses. The Employer maintains several facilities and the subject facility is one of the Employer's two production facilities and is located in Rochelle, Illinois. The Employer has another production facility in St. Charles, Illinois. The Employer's corporate office is located in Sugar Grove, Illinois. The Sugar Grove office is approximately a forty minutes "drive-time" from the Rochelle facility and no production takes place there. Sugar Grove is the Employer's administrative headquarters and it has offices for its administrative staff, salespersons, designers, dispatchers and corporate officials.

Joan Huinker is the sole clerical employee employed by the Employer at its Rochelle facility. She reports directly to and is supervised by the Rochelle plant manager, Jesse Albright. Huinker is an hourly employee and she punches the same time clock as the production and maintenance employees. Huinker has the same available benefits package, vacation, parking, breaks and lunch period, washroom facilities and wage system as the facility's production and maintenance employees.

Huinker has her own office and a great majority of her time is spent doing her work there. Approximately ninety percent of her time is spent doing "batching" work. This involves the review and checking information regarding production jobs that is sent to the Rochelle facility from Sugar Grove. Once checked, she inputs that information into a pre-set computer program creating the paperwork for each job as well as a computer disk which is used by the Employer's computerized saws in cutting the trusses correctly. She takes the batched jobs or tickets and places them in the adjacent "scheduling" office which is utilized by the foreman and the plant manager. The above-described tickets initiate the production process at the Rochelle facility. She also spends approximately ten percent of her time preparing and assembling document packages or shipping paper work (shipping documents, drawings, tracing instructions and layout specifications) for the truck drivers for shipping the next day. She also acts as receptionist and answers the phone. Because this is a production facility, the phone calls and her receptionist duties are limited and involve production matters and generally calls are from Sugar Grove. She does not have a "dress code" and can wear what she wants

to wear to work. She rarely has an occasion to go on the plant floor. Her contacts during work time are the production foremen, the plant manager and occasionally, truck drivers and fork lift drivers.

DISCUSSION AND CONCLUSION

Contrary to the Petitioner, I find the record sufficient to determine Huinker's status herein. In view of the above, I find Huinker to be a plant clerical. The general test in determining the status of a clerical is whether the clerical's duties are related to the production process (plant clerical) or related to general office operations (office clerical). See Cook Composite & Polymers Co., 313 NLRB 1105 (1994). Huinker's duties are clearly related and essential to the production process of the Employer. Hamilton Halter Co., 270 NLRB 331 (1984); CF. Dunham's Altheisure Corp., 311 NLRB 175 (1993). Moreover, Huinker's wages and benefits as well as her supervision are the same as those received by the production and maintenance employees in the unit found appropriate herein. While her work time contacts with production people are generally limited to the plant manager, foremen and drivers, she has no other contacts and she shares her lunch and break times with production and maintenance employees. All in all, I find Huinker to be a plant clerical sharing a community of interest with the other employees within the unit and include her in the unit found appropriate herein.

7/ Your attention is directed to Part 103, Subpart B, Section 103.20 of the Board's Rules and Regulations, Series 8, as amended, which provides, inter alia, that employers shall post copies of the Board's official Notice of Election in conspicuous places at least three full working days prior to 12:01 a.m. of the day of the election, that failure to do so shall be grounds for setting aside the election whenever proper and timely objections are filed, and that an employer shall be estopped from objecting to nonposting or late posting of Notices unless it notifies the Regional Office at least 5 full working days prior to 12:01 a.m. of the day of the election that it has not received the Notices. You may wish to review the above rule in its entirety so that you are fully aware of its complete contents and the obligations imposed by it.

8/ The full first and last names and addresses of all eligible voters must be filed by the employer. North Macon Health Care Facility, 315 NLRB 359 (1994).

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